

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

YE HEIN ZAW

21 CR 737 (PMH)

Defendant.

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Upon the application of the United States of America, by Nicholas Bradley, Assistant United States Attorney, Southern District of New York, and Benjamin Klein, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of YE HEIN ZAW, (“the defendant”) and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Burma.
3. The defendant was admitted as a nonimmigrant student pursuant to a F-1 visa at or near Abu Dhabi Pre-clearance in United Arab Emirates, on or about May 29, 2021.
4. The defendant did not attend the City University of New York, Bernard M. Baruch College from August 5, 2021, through April 26, 2022. Thus, the defendant’s F-1 status terminated on April 26, 2022, for failing to maintain or comply with the conditions of his nonimmigrant

student status.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, pursuant to Count One of the Information, from July 2021, up to and including August 5, 2021, of Conspiring to Assault, Strike, Wound, Imprison, or Offer Violence to a Foreign Official, to wit, the Myanmar Permanent Representative to the United Nations, or Make any other Violent Attack upon the Person or Liberty of a Foreign Official, in violation of Title 18 United States Code, Sections 371 and 112(a).

6. The maximum term of imprisonment for violations of Title 18 United States Code, Sections 371 and 112(a) is a term of 5 years imprisonment. Pursuant to the plea agreement, the defendant stipulated to the Guidelines Range of 18 to 24 months' imprisonment.

7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 237(a)(1)(C)(i) of the Immigration and Nationality Act ("INA" or the "Act"), as amended, 8 U.S.C. § 1227(a)(1)(C)(i), as an alien who after admission as a nonimmigrant under Section 101(a)(15) of the Act, failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted; (2) Section 237(a)(1)(C)(i) of the Act, as amended, 8 U.S.C. § 1227(a)(1)(C)(i), in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted, in that he has been convicted of a crime of violence for which a sentence of more than one year imprisonment was or could have been imposed, pursuant to 8 C.F.R. § 214.1(g); (3) Section 237(a)(2)(A)(i) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(i), in that he has been convicted of a crime involving moral turpitude committed within five years after admission for which a sentence of one year or longer may be

imposed; if defendant is sentenced to one year imprisonment, he concedes that he is also removable under (4) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien who is convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(F) of the Act, a crime of violence (as defined in section 16 of Title 18, United States Code) for which the term of imprisonment [is] at least one year; and section 101(a)(43)(U) of the Act, an attempt or conspiracy to commit an offense described in this paragraph.

8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

10. The defendant has designated Burma as the destination for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Burma.

Dated: White Plains, New York
May 10, 2022


THE HONORABLE PHILIP M. HALPERN
UNITED STATES DISTRICT JUDGE